

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AMY HARVEY, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent.	DOCKET NO. FCU-04-50 (C-04-177)
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**ORDER DENYING MOTION FOR
CONTINUANCE AND DISMISSING COMPLAINT**

(Issued December 17, 2004)

The hearing on the complaint filed by Amy Harvey was scheduled for December 16, 2004, by order issued by the undersigned presiding officer on October 6, 2004. At the time scheduled for hearing, counsel for Ms. Harvey said that her client forgot about the hearing and did not schedule time off work. Counsel asked that the hearing be continued and said her client could arrange to be off work for the hearing if she had sufficient advance notice. Interstate Power and Light Company (IPL), which was present with counsel and its witnesses, then moved to dismiss the complaint on the basis of Ms. Harvey's failure to appear.

The motion for continuance will be denied and the complaint will be dismissed. Ms. Harvey had over three months' notice of the date of the hearing. IPL brought its counsel and witnesses from Cedar Rapids for the hearing. If Ms. Harvey had notified the presiding officer of her absence a day or two prior to the hearing, arrangements could have been made to continue the hearing and avoid the time and travel expense for the other parties. The undersigned finds there is no good cause explaining Ms. Harvey's absence and her failure to give reasonable notice of her inability to attend the hearing.

IT IS THEREFORE ORDERED:

1. The motion for continuance, orally made at hearing by Petitioner, is denied.
2. The motion to dismiss, orally made at hearing by Interstate Power and Light Company, is granted and the formal complaint proceeding identified as Docket No. FCU-04-50 is dismissed.

UTILITIES BOARD

/s/ Mark O. Lambert
Mark O. Lambert
Presiding Officer

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 17th day of December, 2004.